



**THE AMERICAN CHAMBER OF COMMERCE OF THE PHILIPPINES, INC.**  
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August 19, 2011

Honorable **ANTONIO "SONNY" F. TRILLANES IV**  
Chairman  
Committee on Civil Service and Government Reorganization  
Philippine Senate  
Pasay City

Dear Chairman Trillanes:

We are writing in response to your recent press comment on the debate on amendments to the provisions of the 1987 Philippine Constitution that restrict foreign investment and the practice of professions.

As Chairman of the Committee on Civil Service, we believe that you have the opportunity to remove indirectly the restriction on professions via legislation as you have proposed. By introducing the principle of reciprocity in several bills regulating professions being tackled by your Committee you liberalize the practice of profession by allowing foreigners to practice their profession.

The constitution creates a policy bias in favor of Philippine citizens, but not a strict legal barrier to the participation of foreign professionals. Although the constitutional language states that "the practice of all professions in the Philippines shall be limited to Filipino citizens," this statement is immediately followed by "save in cases prescribed by law." There are 47 laws governing the practice of specific professions, and 42 contain "reciprocity" provisions allowing foreigners to practice their profession in the Philippines, provided their countries of origin also allows Filipinos to practice these. Five laws regulating criminologists, environmental planners, foresters, pharmacists, and radio and x-ray technologists state the profession is restricted to Philippine nationals and contain no reciprocity provision.

By inserting a reciprocity provision in the above laws, the Congress will in effect make the restriction in the Constitution a dead letter.

We commend your Committee for regularly conducting hearings on bills regulating the practice of various professions. We were informed that your committee has already conducted hearings and/or technical working group



meetings on bills pertaining to the following profession: civil engineering, medicine, mining engineering, interior design, environmental planning, and geology. We hope that your Committee can ensure that the below reciprocity provision is inserted in the above bills:

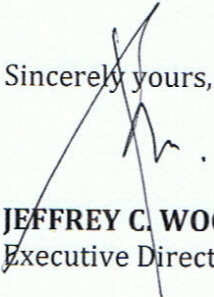
“No foreign \_\_\_\_\_ shall be given a certificate of registration/professional license and professional identification card or be entitled to any of the privileges under this Act unless the country or state of which he is a subject or a citizen permits Filipino \_\_\_\_\_ to practice within its territorial limits on the same basis as the subjects or citizens of said country or state.”

Senate Bills 746 and 2163, regulating the practice of pharmacy in the Philippines, repealing Republic Act 5921, as amended, are scheduled to be heard by your Committee on August 23, 2011. We hope that the provision restricting this profession to Philippine nationals is removed and replaced with the reciprocity language above.

We are pleased to have attended the Technical Working Group meeting on the environmental planning conducted most professionally by your Chief of Staff, Atty. Ray Robles and that the Committee considers replacing the nationality restriction with reciprocity. With the enactment of the bills on pharmacy and environmental planning, there will be only three remaining laws restricted to Filipino citizens. We encourage you to seek amendments of these three laws as well to complete the suggested legislative approach to amend the Constitution.

We would be happy to elaborate on the above at any hearing / Technical Working Group meeting to be called by your Committee on any of the relevant bills.

Sincerely yours,



**JEFFREY C. WOODRUFF**  
Executive Director

Attachment: Reciprocity in the Practice of Professions



### Reciprocity in the Practice of Professions\*

	PROFESSION	LAWS	RECIPROCITY (provision/clause)	FORMATION OF CORPORATIONS
1	Accountancy	RA No. 9298	Sec. 34	Citizenship not specified
2	Aeronautical Engineering	PD No. 1570	Sec. 14	No provision
3	Agricultural Engineering	RA No. 8559	Sec. 27	Citizenship not specified
4	Agriculture	PRC Reso. No. 2000-663	Sec. 27	unknown
5	Architecture	RA No. 9266	Sec. 27	Filipinos only
6	Chemical Engineering	RA No. 9267	Sec. 30	Citizenship not specified
7	Chemistry	RA No. 754	Sec. 25	Citizenship not specified
8	Civil Engineering	RA No. 1582	Sec. 25	Citizenship not specified
9	Criminology	RA No. 6506	x	No provision
10	Customs Broker	RA No. 9280	Sec. 25	No provision
11	Dentistry	RA No. 9484	Sec. 38	No provision
12	Electrical Engineering	RA No. 7920	Sec. 38	Citizenship not specified
13	Electronics and Communications Engineering	RA No. 9292	Sec. 33	Citizenship not specified
14	Environmental Planning	PD No. 1308	x	Filipinos only
15	Fisheries	PRC Reso. No.2000-664	Sec. 27	Unknown
16	Foresters	RA No. 6239	x	No provision
17	Geodetic Engineering	RA No. 8560	Sec. 26	Citizenship not specified
18	Geology	RA No. 4209	Sec. 11	Citizenship not specified
19	Guidance Counseling	RA No. 8534	Sec. 29	Citizenship not specified
20	Interior Design	RA No. 9258	Sec. 29	Citizenship not specified
21	Landscape Architecture	RA No. 9053	Sec. 29	Citizenship not specified
22	Librarians	RA No. 9246	Sec. 28	No provision
23	Marine Deck Officers	RA No. 8544	Sec. 28	No provision
24	Marine Engineer Officers	RA No. 8544	Sec. 28	Citizenship not specified
25	Master Plumbers	RA No. 1378	Sec. 21	No provision
26	Mechanical Engineering	RA No. 8495	Sec. 39	Citizenship not specified
27	Medical Technology	RA No. 5527	Sec. 27	No provision
28	Medicine	RA No. 2382	Sec. 9	No provision
29	Metallurgical Engineering	RA No. 1536	Sec. 11	Citizenship not specified

\* Most laws governing the various professions have a reciprocity clause (or specific provision pertaining to reciprocity). In other professions, reciprocity is inferred from provisions which exempt foreign professionals from registration; or provide them with temporary or special permits (*refer to Annex 10, Reciprocity Provisions of Regulated Professions*).



	PROFESSION	LAWS	RECIPROCITY (provision/clause)	FORMATION OF CORPORATIONS
30	Midwifery	RA No. 7392	Sec. 22	No provision
31	Mining Engineering	RA No. 5677	Sec. 28	No provision
32	Naval Architecture and Marine Engineering	RA No. 4565	Sec. 27	Citizenship not specified
33	Nursing	RA No. 9173	Sec. 20	No provision
34	Nutrition and Dietetics	PD No. 1286	Sec. 29	No provision
35	Optometry	RA No. 8050	Sec. 34	No direct provision
36	Pharmacy	RA No. 5921	x	No provision
37	Physical and Occupational Therapy	RA No. 5680	Sec. 21	No provision
38	Professional Teachers	RA No. 7836	Sec. 24	No provision
39	Psychology	RA No. 10029	Sec. 24	No provision
40	Radiologic Technology	RA No. 7431	x	No provision
41	Real Estate Service	RA No. 9646	Sec. 24	Sec. 32
42	Respiratory Therapy	RA No. 10024	Sec. 34	No provision
43	Sanitary Engineering	RA No. 1364	Sec. 32	Citizenship not specified
44	Social Workers	RA No. 4373	Sec. 18	Citizenship not specified
45	Sugar Technologist	n/a	n/a	unknown
46	Veterinary Medicine	RA No. 9268	Sec. 31	No provision
47	Law	Rules of Court Rule 138	Dual Citizens Only	unknown